

REMARKS

This is a full and timely response to the non-final Official Action mailed December 2, 2010 (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the preceding amendment, various claims have been amended. Additionally, claims 31, 33 and 34 are cancelled without prejudice or disclaimer. Claims 7, 11, 18, 23-29, and 32 were canceled previously without prejudice or disclaimer. Thus, claims 1-6, 8-10, 12-17, 19-22 and 30 are currently pending for further action.

35 U.S.C. § 103:

(1) Claims 1-3, 5, 6, 8-10, 12-22, 30 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over the teachings of U.S. Patent No. 7,519,703 to Stuart et al. (“Stuart”) taken alone. For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 1:

Claim 1 recites:

A method to manage a power state of a processing system of a computer, said computer comprising a display device and at least one user input device, said method comprising:

- sensing for a human presence in a region proximate the computer independently of any human physical engagement of the computer;
- generating a status signal based on said sensing; and,
- controlling at least one user-perceptible output of the computer based, at least in part, on said status signal, wherein said act of controlling comprises providing electrical power to a central processor in the processing system of the computer when

a user is detected when that electrical power had previously been turned off and when no user had previously been detected.

Support for the amendment to claim 1 can be found in Applicant's originally filed specification at, for example, Fig. 1 and the associated text.

In contrast, Stuart, as cited in the Office Action, teaches the following.

The present invention is a media content display system that includes an electronic network, a central server connected to the network, and a plurality of remote display devices connected to the network. Each of the remote display devices includes at least one electronic display, a storage device for storing content media, at least one presence sensor for detecting presence of a person in a predetermined proximity to the electronic display.

(Stuart, col. 3, lines 32-45).

With regard to these "remote display device," Stuart further teaches the following.

Sensors that detect the presence of people in proximity of the electronic display 42 ("presence sensors") are particularly useful for this application and can be used to select media content for display on the electronic display. Examples of well known presence sensors are (thermal, IR and microwave) motion sensors (that are triggered by motion in a particular area), light beam sensors (electric eye sensors that are triggered when someone moves through and interrupts a beam of light), spot sensors (pressure pads that are triggered when someone walks across a pressure sensitive pad), and switches (e.g. to detect the opening of doors). One or more presence sensors mounted in, on, or near electronic display 42 can be used to provide different levels of proximity detection. Presence sensor(s) detecting the presence of a person some distance away from the electronic display 42 may trigger the display of certain media content, while presence sensor(s) detecting the presence of a person a closer distance away from the electronic display 42 would trigger the display of different media content. Thus, one type of media content can be displayed when someone enters a room to catch the individual's attention, while different media content can be played in response to the person walking closer to the electronic display 42. After the presence of people is not detected in the room for a predetermined amount of time, the electronic display 42 can be turned off or display a static image at a lower intensity to increase the display's life and reduce power consumption. Therefore, those entering an empty room are shown the selected media content from its beginning.

(Stuart, col. 13, line 46 to col. 14, line 6).

Thus, Stuart teaches controlling a remote display device that is used, for example, for advertising in a public place, based on presence sensors at the display that determine whether a person is at or approaching the display.

Stuart does not ever teach or suggest “a computer, said computer comprising a display device and at least one user input device” that is controlled based on the output of a human presence sensor. (Claim 1). Stuart does not teach or suggest

sensing for a human presence in a region proximate the computer independently of any human physical engagement of the computer; generating a status signal based on said sensing; and, controlling at least one user-perceptible output of the computer based, at least in part, on said status signal, wherein said act of controlling comprises providing electrical power to a central processor in the processing system of the computer when a user is detected when that electrical power had previously been turned off and when no user had previously been detected.
(Claim 1).

The Office Action elsewhere noted that Stuart mentions a computer in col. 15, lines 35-40. This portion of Stuart, in pertinent part, reads as follows. “[W]hile a single central server 2 is illustrated, there could be a plurality of such servers in the network. The central server could instead be a personal computer that monitors the operation of the remote display devices via internet messages.” (Stuart, col. 15, lines 35-40). Thus, Stuart teaches that a personal computer can act as the central server delivering content to the population of remote display devices. However, Stuart never teaches or suggests that this or any other computer is controlled, as recited in claim 1, based on the output of a human presence sensor. The Action may not read such a teaching into the prior art. (Action, p. 6, section 25).

The Supreme Court has addressed the issue of obviousness in *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). The Court stated that the *Graham v. John Deere Co. of Kansas City*, 383, U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the cited references does not include the claimed subject matter, particularly

“controlling at least one user-perceptible output of the computer based, at least in part, on said status signal [from a human presence detector], wherein said act of controlling comprises providing electrical power to a central processor in the processing system of the computer when a user is detected when that electrical power had previously been turned off and when no user had previously been detected.” (Claim 1).

Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 1 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 3:

Claims 3 and 4 recite the following respectively, “controlling comprises muting an audio output associated with the processing system when the human presence is detected,” and “controlling comprises blanking a display device associated with the processing system when the human presence is detected.” In rejecting claim 3, the Office Action cites to Stuart at col. 14, lines 1-7. (Action, p. 3). This portion of Stuart was quoted above and reads as follows.

After the presence of people *is not detected* in the room for a predetermined amount of time, the electronic display 42 can be turned off or display a static image at a lower intensity to increase the display's life and reduce power consumption. Therefore, those entering an empty room are shown the selected media content from its beginning. (Stuart, col. 14, lines 1-6) (emphasis added).

As will be appreciated by those skilled in the art, Stuart is here teaching the exact opposite of what is recited in claims 3 and 4. Stuart here states that when people are “not detected in the room” the electronic display may be turned off. In contrast, claims 3 and 4 recite that audio is muted or the display is blanked when a human presence *is* detected.

Consequently, Stuart teaches away from and directly opposite what is recited in claims 3 and 4. For at least this additional reason, the rejection of claim 3 should be reconsidered and withdrawn.

Claim 8:

Claim 8 recites:

A method to manage a processing system, comprising:
defining a region proximate a processing system;
detecting a human presence in the region; and,
responsive to said detecting and independent of a user physically engaging the processing system, causing an effect on a display device or audio output associated with the processing system, *wherein said effect comprises any of muting the audio output, blanking the display device and changing an image on the display device when a human presence is detected in said region.*
(Emphasis added).

Support for the amendment to claim 8 can be found in Applicant's originally filed specification at, for example, Figs.6-7 and the associated text.

In contrast, as clearly demonstrated above with respect to claims 3 and 4, Stuart does not teach or suggest "muting the audio output, blanking the display device [or] changing an image on the display device *when a human presence is detected in said region.*" (Claim 8) (emphasis added). This subject matter is simply beyond the scope and content of Stuart.

Again, under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the cited references does not include the claimed subject matter, particularly "responsive to said detecting and independent of a user physically engaging the processing system, causing an effect on a display device or audio output associated with the processing system, wherein said effect comprises any of muting the audio

output, blanking the display device and changing an image on the display device when a human presence is detected in said region.” (Claim 8).

Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 8 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 15:

Claim 15 recites:

A display device comprising:
a display to present a user-perceptible image which is viewable from a region proximate the display device;
a sensor to generate a signal relating to a user being present in the region, *wherein said sensor is adjustable by a user to control a position and size of said region*; and,
a controller to turn on electrical power to at least a portion of the display device when a user is detected after a period when electrical power had been turned off and no user had been detected.
(Emphasis added).

Support for the amendment to claim 15 can be found in Applicant’s originally filed specification at, for example, paragraph 0024.

In contrast, Stuart does not teach or suggest the claimed display device having “a sensor to generate a signal relating to a user being present in the region, *wherein said sensor is adjustable by a user to control a position and size of said region*.” (Claim 15) (emphasis added). This subject matter is outside the scope and content of the cited reference.

Again, under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the cited references does not include the claimed

subject matter, particularly “a sensor to generate a signal relating to a user being present in the region, *wherein said sensor is adjustable by a user to control a position and size of said region.*” (Claim 15) (emphasis added).

Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 15 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 30:

Claim 30 recites:

A processing system comprising:
a display device comprising a first processor to generate a visual display perceptible by a user positioned in a region proximate the display device;
a remote control device comprising at least one sensor coupled to the display device and configured to sense a human presence, wherein the remote control device signals said display device upon detection of a human presence by said sensor; and
wherein said display device is configured to, upon receipt of said signal from said remote control device detecting a human presence, perform any of muting an audio output, blanking the display device and changing an image on the display.
(Emphasis added).

Support for the amendment to claim 30 can be found in Applicant’s originally filed specification at, for example, Figs.6-7 and the associated text.

In contrast, as clearly demonstrated above with respect to claims 3 and 4, Stuart does not teach or suggest “muting an audio output, blanking the display device [or] changing an image on the display device” in response to receipt of a signal from a human presence sensor that is detecting a human presence. (Claim 30). Stuart further does not teach or suggest “a remote control device comprising at least one sensor coupled to the display device and configured to sense a human presence, wherein the remote control device signals said display

device upon detection of a human presence by said sensor.” All this subject matter is simply beyond the scope and content of Stuart.

Again, under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the cited references does not include the claimed subject matter, particularly

a remote control device comprising at least one sensor coupled to the display device and configured to sense a human presence, wherein the remote control device signals said display device upon detection of a human presence by said sensor; and wherein said display device is configured to, upon receipt of said signal from said remote control device detecting a human presence, perform any of muting an audio output, blanking the display device and changing an image on the display.
(Claim 30).

Thus, the claimed subject matter provides features and advantages not known or available in the cited references. Consequently, the cited references will not support a rejection of claim 30 under 35 U.S.C. § 103 and *Graham*.

(2) Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of Stuart and U.S. Patent No. 5,495,302 to Abruna. This rejection should be reconsidered and withdrawn for the same reasons given above in favor of the patentability of claim 1.

Conclusion:

In view of the preceding arguments, all claims are believed to be in condition for allowance over the references of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further

arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner may wish to take Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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